

# CRS Issue Brief for Congress

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## **Crime Control: The Federal Response**

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## Crime Control: The Federal Response

### SUMMARY

Crime control efforts at the federal level traditionally have been concerned with problems of national scope transcending state boundaries or with the maintenance of law and order in areas subject exclusively to federal jurisdiction. However, in recent years, Congress has expanded federal jurisdiction in the area of crime control to areas once considered to be primarily within state and local jurisdiction, for example, in juvenile justice and gun control. The Supreme Court has established some limits on the power of Congress to regulate certain activity through the commerce clause of the Constitution. In *U.S. v. Lopez* (514 U.S. 549, 1995) the court, striking down a provision of the Gun Free Schools Act of 1990, held that the possession of a gun in a local school zone is not an economic activity that might have a substantial effect on interstate commerce.

Congress has passed five omnibus crime control bills since 1984. The Comprehensive Crime Control Act of 1984 (P.L. 98-473) overhauled the federal sentencing system and revised bail and forfeiture procedures along

with other federal practices. Anti-drug abuse statutes passed in 1986 (P.L. 99-570) and in 1988 (P.L. 100-690) included enhanced penalties for drug-related crimes and provisions for funding state and local drug enforcement. The Crime Control Act of 1990 (P.L. 101-647), authorized \$900 million for the Federal Drug Control Grant Program, codified a Crime Victims' Bill of Rights in the federal justice system, and expanded coverage under the Public Safety Officers' Death Benefits Program.

The fifth omnibus crime control legislation in ten years, P.L. 103-322, the Violent Crime Control and Law Enforcement Act of 1994, was approved by the House and Senate in the closing days of the 103rd Congress.

Several bills have been introduced in the 106<sup>th</sup> Congress to address issues related to juvenile crime and violence in schools. In particular, Congress may decide to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974, amended, as it considers two bills, H.R. 1501 and S. 254.

## MOST RECENT DEVELOPMENTS

*Released on May 7, 2000, the Federal Bureau of Investigation's Preliminary Annual Uniform Crime Report for 1999 reported that major crime offenses, including both violent crimes (murder, forcible rape, robbery, and aggravated assault) and property crimes (burglary, larceny-theft, and motor vehicle theft), declined 7% since 1998. For more information, see the FBI website at [<http://www.fbi.gov/ucr/prelim99.pdf>].*

## BACKGROUND AND ANALYSIS

### **Federal v. State Responsibility for Law Enforcement**

Under the federal system in the United States, the states and localities traditionally have held the major responsibility for prevention and control of crime and maintenance of order. For most of the Republic's history, "police powers" in the broad sense were reserved to the states under the Tenth Amendment to the Constitution. Many still hold that view, but others see a string of court decisions in recent decades as providing the basis for a far more active federal role.

Perhaps the most significant factor behind the growth of federal police powers has been a broader interpretation of the Constitution's "commerce clause" (U.S. Constitution, Art. I, Section 8, Cl. 2), which explicitly gives Congress power to regulate interstate and foreign commerce. A series of court decisions in this century has established that the impact of *intrastate* commerce on *interstate* commerce may justify a more inclusive approach. In addition, both Congress and the Court have shown an apparent willingness to view certain kinds of crime, or disorder on a large scale, as threats to commerce in and of themselves. The Supreme Court has established some limits on the power of Congress to regulate certain activity through the commerce clause of the Constitution. In *U.S. v. Lopez* (514 U.S. 549, 1995) the court, striking down a provision of the Gun Free Schools Act of 1990, held that the possession of a gun in a local school zone is not an economic activity that might have a substantial effect on interstate commerce.

Since the 1960s, the law and order issues that most often have generated debate over the appropriate limits of the federal role are financial assistance for state and local law enforcement and regulation of firearms. (For a discussion of firearm regulation, see CRS Issue Brief 97010, *Gun Control*.) In considering legislation that established the grant program administered by the Law Enforcement Assistance Administration (P.L. 90-351) and its forerunner, the Office of Enforcement Assistance (P.L. 89-197), some Members of Congress and analysts expressed concern that the federal "power of the purse" would lead to a national police force.

The lack of significant opposition to local law enforcement assistance provisions in 1986 and 1988 anti-drug measures and the 1990 Crime Control Act suggests that such concern has diminished. This change in attitude might be explained by a widespread perception that the illicit traffic in dangerous drugs has become a national problem of overriding concern.

One indication of growth in federal involvement in crime control is the trend in annual spending under the budget category “administration of justice.” Since 1965, it has risen from \$535 million to an estimated \$25.3 billion in FY1998. Congress appropriated approximately \$18.6 billion for Department of Justice programs for FY2000.

## **Federal Assistance to State and Local Governments**

During the 1960s the FBI Uniform Crime Reports showed that crime rates in the United States were increasing rapidly, and “law and order” and “crime in the streets” were key issues in the 1964 Presidential campaign. President Lyndon Johnson, in his first message to Congress in 1965, called for the establishment of a blue ribbon panel to probe “fully and deeply into the problems of crime in our nation.” Johnson’s requests led to the creation of the President’s Commission on Law Enforcement and the Administration of Justice and to passage of the Law Enforcement Assistance Act of 1965 (P.L. 89-197; 79 Stat. 828). The latter established an Office of Law Enforcement Assistance in the Department of Justice and charged it with funding demonstration projects for the development of new methods of crime control and law enforcement.

In February 1967, the President’s Commission issued its report, *The Challenge of Crime in a Free Society*, and recommended that the federal government provide more financial assistance to state and local governments for law enforcement purposes. The Commission found that “crime is a national, as well as a state and local phenomenon.” Subsequently, President Johnson proposed an expanded program of grants to state and local governments, to be administered by the Department of Justice. In urging the passage of such legislation, he warned that “the federal government must never assume the role of the nation’s policeman. True, the federal government has certain direct law enforcement responsibilities. But these are carefully limited to such matters as treason, espionage, counterfeiting, tax evasion and certain interstate crimes.”

Congress responded in June of 1968 by passing the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351; 82 Stat. 197). Title I of the Act established a Law Enforcement Assistance Administration (LEAA) to make grants to state and local governments for planning, recruitment, and training of law enforcement personnel; public education relating to crime prevention; building construction; education and training of special law enforcement units to combat organized crime; and the organization, education, and training of regular law enforcement officers, special units, and law enforcement reserve units for the prevention and detection of riots and other civil disorders. The Act also established a National Institute of Law Enforcement and Criminal Justice to make grants for training, education, research, and demonstration for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime.

The enactment of the Safe Streets Act and the creation of LEAA ushered in a new era of federal assistance to state and local governments for crime control. The grant programs significantly expanded the central government’s involvement in local law enforcement. Although the program was criticized and ultimately phased out after a 12-year life and an expenditure of roughly \$7.5 billion, support for the concept of direct federal aid for law enforcement and crime control resurfaced and grew during the 1980s as Congress sought solutions to the nation’s drug problems.

LEAA's history is controversial. The block grant funding mechanism was criticized because it prevented the agency from exercising tight controls over the money sent to the states. Critics charged that funds were misused and that the program had no visible impact on crime. With the exception of one downturn in crime statistics in 1972, the reported violent crime rate continued to rise throughout the 1970s and 1980s. Although the program had been authorized through FY1983, budget reductions beginning in 1980 resulted in its virtual elimination. Four of its highly specialized functions remained to be administered by a successor agency, the Office of Justice Assistance, Research, and Statistics (OJARS).

Broader federal assistance was restored when the Reagan Administration requested authority, in 1983, to establish a more modest grant program. Additional expansion of the federal role occurred with congressional passage of four omnibus crime control bills. First was Chapter IV (the Justice Assistance Act) of the Comprehensive Crime Control Act of 1984 (P.L. 98-473). It created the Office of Justice Programs, headed by an assistant Attorney General, to coordinate the activities of the Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention. The Anti-Drug Abuse Act of 1986 (P.L. 99-570) established matching formula grants to state and local law enforcement agencies; the Anti-Drug Abuse Act of 1988 expanded the program, the "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs." Despite Reagan Administration opposition to such expansion, Congress appropriated \$150 million for FY1989 for the programs. The Crime Control Act of 1990 (P.L. 101-647), authorized \$900 million. Congress approved an appropriation of \$552 million for the Byrne Programs for FY1999.

## **Major Enactments**

### **Comprehensive Crime Control Act of 1984**

In 1966, Congress created the National Commission on Reform of the Criminal Laws. Headed by California Governor Edmund G. Brown, Sr., the Commission issued a report that took the form of a new draft of the Federal Criminal Code. The Comprehensive Crime Control Act of 1984 was the culmination of a bipartisan effort to implement this report. The bill finally approved was somewhat limited, a compromise that overhauled the federal sentencing system, revised the bail statutes to permit pretrial detention of those considered dangerous to the community, tightened the legal definition of insanity, required mandatory minimum sentences for career criminals, increased the maximum fines for serious drug offenses, gave federal prosecutors new authority to seize the assets of drug traffickers, and established a victim compensation program in the Department of Justice. Controversial provisions related to the death penalty, federal exclusionary rule modification, and *habeas corpus* revision ultimately were dropped. Similar proposals have been reintroduced several times but continue to be a source of contention.

### **Anti-Drug Abuse Act of 1986**

The Anti-Drug Abuse Act of 1986 (P.L. 99-570) was a far-ranging measure containing 15 titles and relating to almost every aspect of federal efforts to prevent and control the abuse

of drugs. It stiffened penalties for violations of the Controlled Substances Act (P.L. 91-513), providing for mandatory minimum sentences in certain cases. It also contained provisions aimed at money laundering and expanded authority for seizure and forfeiture of assets derived from criminal activities. Other provisions related to international narcotics control and demand reduction efforts. It authorized \$230 million annually for 3 years for state and local drug enforcement assistance. Overall, it raised existing authorization ceilings by \$1.7 billion; final FY1987 appropriations for drug control were over \$4 billion.

### **Anti-Drug Abuse Act of 1988**

The Anti-Drug Abuse Act of 1988 (P.L. 100-690) was signed into law on November 18, 1988. This legislation built on the Anti-Drug Abuse Act of 1986 and, like its predecessor, contained provisions relating to virtually every facet of the federal effort to curb the abuse of narcotics and other dangerous drugs. The 10 main titles concerned (1) new and increased penalties for drug trafficking offenses (including the death penalty for killings committed by drug “kingpins” and for the drug-related killing of a law enforcement officer), and general increases in funding for drug law enforcement; (2) the organization and coordination of federal anti-drug efforts, including the creation of a new agency headed by a cabinet-level director (a so-called “drug czar”), subject to Senate confirmation; (3) the reduction of drug demand through increased treatment and prevention efforts; (4) the reduction of drug production abroad and of international trafficking in illicit drugs; and (5) sanctions designed to put added pressure on drug users (“user accountability”). The Act raised FY1989 authorization ceilings by \$2.7 billion; actual appropriations brought the total federal anti-drug budget for FY1989 to approximately \$6.5 billion.

### **Crime Control Act of 1990**

The Crime Control Act of 1990 (P.L. 101-647) was an omnibus measure that, like some previous anti-crime proposals, was stripped of several of its more controversial provisions such as those pertaining to the federal death penalty, *habeas corpus* revision, federal exclusionary rule application, and firearms control. The legislation authorized \$220 million in federal matching grants to assist states in establishing more effective prison programs, including alternatives to traditional incarceration. It established a grant program to develop and implement multidisciplinary child abuse investigation and prosecution programs and permitted alternatives to live-in-court testimony in a proceeding involving an alleged offense against a minor. The measure contained child pornography provisions requiring more stringent recordkeeping and enhanced penalties. It codified a Crime Victims’ Bill of Rights in the federal justice system, and increased the funding level for victim compensation and assistance. Other provisions authorized a \$20 million rural drug initiative, expanded the Public Safety Officers’ Death Benefits program to include a one-time benefit for officers permanently disabled in the line of duty, authorized the hiring of additional FBI and Drug Enforcement Administration (DEA) agents, added 12 new chemicals to the list of precursor chemicals regulated under the Chemical Diversion and Trafficking Act, created a National Commission To Support Law Enforcement, and raised the authorization for the federal drug enforcement grant program to \$900 million.

## **Violent Crime and Law Enforcement Act of 1994**

The Violent Crime and Law Enforcement Act of 1994 (P.L. 103-322) authorized \$30.2 billion for law enforcement and crime prevention measures. It increased to 60 the number of federal crimes punishable by death and established procedures whereby the death penalty may be carried out. It contained a “three strikes” provision requiring the imposition of a sentence of life imprisonment for violent three-time federal offenders. The Act authorized a total of \$8.8 billion, from FY1995-2000, to states and localities for the expansion of law enforcement resources. It authorized a total of \$1 billion for the Byrne program for FY1995-2000. In addition, it authorized, through new grant authorities, funds for additional correctional facilities, the expansion of alternative sanctions for non-violent young offenders, and the costs incurred by states incarcerating criminal aliens. The measure authorized \$5.35 billion for crime prevention and violence against women programs. It prohibited the manufacture, for 10 years after enactment, of semiautomatic assault weapons and the possession or transfer of such firearms if they were not lawfully possessed on the date of enactment. It also authorized \$150 million to implement the Brady Handgun Violence Prevention and the National Child Protection Acts. It included murder by international terrorists among the federal crimes punishable by death and increased the penalties for other terrorist crimes. It increased the penalties for repeat federal sex offenders and assaults against children within federal enclaves, and created a program for the registration of sexual predators with community notice. It also permitted the prosecution as adults of juvenile offenders 13 years of age and older who commit federal crimes of violence or federal crimes involving a firearm. The Act established a trust fund, subject to annual appropriation and financed by savings from reductions in the federal work force or in discretionary spending, to fund its programs.

### **Legislative Action: 106<sup>th</sup> Congress**

Several bills designed to combat violence in schools and control crime by juveniles were introduced once again in the 106<sup>th</sup> Congress. In particular, Congress may decide to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974, amended, as it considers three measures. Two bills, (S. 254 and H.R. 1150), have been introduced to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415), as amended, that expired on September 30, 1996. The Senate passed an amended version of S. 254 on May 20, 1999, and, after striking existing language, inserted the language of S. 254 into H.R. 1501. On June 17, 1999, the House passed, amended, H.R. 1501, a measure reauthorizing the Juvenile Accountability Block Grants. H.R. 1150 was approved as an amendment to H.R. 1501. Both the House and Senate versions of H.R. 1501 remain in conference. For additional information see, *Juvenile Justice Act Reauthorization: The Current Debate*, by Suzanne Cavanagh and David Teasley, CRS Report 98-95.

## **LEGISLATION**

### **P.L. 106-177/H.R. 764 (Pryce)**

Child Abuse Prevention and Enforcement Act. Amends the Crime Identification Technology Act of 1998 to authorize grants to provide child protective workers and child



welfare workers with access to criminal conviction information and protection orders based on a claim of domestic or child abuse, and amends the Victims of Crime Act of 1984 to increase the set aside for child abuse victims by providing an authorization of up to \$20 million within each fiscal year. Introduced February 12, 1999; referred to Committee on the Judiciary. Reported, amended (H.Rept. 106-360) on October 1. Passed House, amended, October 5, 1999. Reported by the Senate Judiciary Committee (without written report), October 28, 1999. Passed Senate, striking existing language, and inserting an amendment, November 19, 1999. Passed House, February 1, 2000. Signed into law, March 10, 2000.

**P.L. 106-185/H.R. 1658 (Hyde)**

Civil Asset Forfeiture Reform Act. Amends the Federal criminal code to raise the standard that the Government must meet in actions brought for the civil forfeiture of any property belonging to suspected drug traffickers and other alleged offenders. Provides them additional protections, such as: (1) requiring that Federal prosecutors establish that a “preponderance of the evidence” connects the assets to be seized with criminal activity; (2) providing that the court may release assets during the case to the defendant if the forfeiture causes a substantial hardship; and (3) mandating that the Government must pay the legal fees of the defendant if the court determines that their property was wrongfully seized. Contains new language to improve law enforcement efforts in property seizure. Introduced May 4, 1999, referred to Committee on the Judiciary. Reported, amended (H.Rept. 106-192), June 18, 1999. Passed House, amended, June 24, 1999. Reported with an amendment in the nature of a substitute (without written report) by the Senate Committee on the Judiciary, March 23, 2000. Passed Senate, amended, March 27, 2000. Passed House by voice vote, April 11. Signed into law, April 25, 2000.

**H.R. 1150 (Greenwood)**

Juvenile Crime Control and Delinquency Prevention Act of 1999. Changes the name of the Office of Juvenile Justice and Delinquency Prevention to the Office of Juvenile Crime Control and Delinquency Prevention. Changes the formula for Title II, Part B formula grants from an allocation among the states on the basis of relative population of people under age 18, to an allocation of 50% of the basis of relative population of people under age 18 and the other 50% on the average number of arrests for serious crimes committed in the eligible states by juveniles during the most recent three years for which such information is available. Amends requirements for formula grant funds, including adding programs that assist in holding juveniles accountable for their actions; eliminating programs for positive youth development, replacing them with community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that juveniles may be retained in their homes; and creating a new requirement for establishing a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult.

Amends the four mandates (deinstitutionalization of status offenders; separation of juveniles from sight and sound of adult offenders in any correctional institution; removal of juveniles from any jail or lockup for adults; and reducing the disproportionate confinement of minority juveniles) as follows, respectively: (1) retains current prohibition on detaining status offenders in secure facilities in accordance with rules issued by the Administrator, which currently allow such juveniles to be held up to 24 hours before and 24 hours after their court appearance; (2) modifies “sight and sound” separation requirement to prohibit regular

contact but to allow for incidental, supervised contact (such as passing in a hallway); (3) builds additional flexibility into the law by extending the period of time for which juveniles can be held in a facility with adults, prior to an initial court appearance, to 48 hours (excluding weekends and holidays); (4) modifies this provision to require states to address prevention efforts to reduce the disproportionate number of minorities that come in contact with the juvenile justice system. Prohibits the establishment of numerical standards or quotas. Requires that states failing to comply with these mandates lose 12.5% of Title II, Part B formula grants for each mandate not met. Allows states to receive 50% of their state formula grant funding whether or not they comply with the four core requirements.

Would eliminate Part C (National Programs or Discretionary Programs); Part D (Gang-Free Schools and Communities; Community-Based Gang Intervention); Part E (State Challenge Activities); Part F (Treatment for Juvenile Offenders Who Are Victims of Child Abuse or Neglect); Part G (Mentoring); Part H (Boot Camps); Part I (1<sup>st</sup> part: White House Conference) and Title V (Incentive Grants for Local Delinquency Prevention Programs). Creates a new Part C: Juvenile Delinquency Prevention Block Grant Program. Funds would be used for activities designed to prevent and reduce juvenile crime in communities that have a comprehensive crime prevention plan. Introduced March 17, 1999; referred to Committee on Education and Workforce. Passed House as an amendment to H.R. 1501, June 17, 1999.

#### **H.R. 1443 (Conyers)**

Traffic Stops Statistics Study Act of 1999. Directs the Attorney General to conduct a nationwide study for traffic violations by law enforcement officers and to analyze existing data, including complaints alleging and other information concerning traffic stops motivated by race and other bias. Introduced April 15, 1999, referred to Committee on the Judiciary. Reported, amended (H. Rept. 106-517), March 13, 2000.

#### **H.R. 1501 (McCollum)**

Consequences for Juvenile Offenders Act of 1999. Amends the Juvenile Accountability Incentive Block Grant provision under Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.). States may use grant funds for new purposes, including establishing and maintaining training programs for criminal justice personnel to prevent and control juvenile crime, to set up accountability-based programs designed to reduce recidivism among juvenile offenders, to provide risk and need assessments of juvenile offenders for early intervention, mental health screening and drug treatment and testing, and establishing and maintaining accountability-based programs that are designed to enhance school safety. Removes language stipulating amount of funding that may be used by grantees for stated program purposes, and eliminates the requirement that states must consider or approve laws, policies, or programs regarding adult prosecution of violent juveniles and juvenile record reforms if they wish to receive funds. Authorizes a total of \$1.5 billion, \$500 million each year, FY2000-FY2002. Introduced April 21, 1999, reported by Committee on the Judiciary Crime Subcommittee, April 22. Passed House, amended, June 17, 1999. Senate struck language of H.R. 1150, replaced it with the language of S. 254, and insisted on a conference, July 28, 1999. See H.R. 1150 and S. 254.

#### **H.R. 2036 (Hyde)**

Children's Defense Act of 1999. Contains several provisions related to reducing and preventing youth violence, including, but not limited to, the requirement of a study by the National Institutes of Health on the effects of video games and music on child development,

permission for the entertainment industry to set voluntary guidelines on negative programming, and the establishment of the National Youth Crime Demonstration Project within the Department of Justice to authorize funds totaling \$25 million from FY2000-FY2004 for grants to grassroots organizations in nine cities nationwide. Introduced June 8, 1999; referred to Committees on the Judiciary, and on Education and the Workforce.

**H.R. 2037 (McCollum)**

Child Safety and Youth Violence Prevention Act of 1999. Provides new penalties for juvenile crime involving firearms, gangs, and drugs. Introduced June 8, 1999; referred to Committee on the Judiciary.

**H.R. 2436 (Graham)**

Unborn Victims of Violence Act of 1999. Amends title 18, United States Code, and the Uniform Code of Military Justice to penalize the act of harming a fetus during the commission of a federal crime, including assault and murder. Introduced July 1, 1999; referred to Committees on the Judiciary and on the Armed Services. Reported, amended, by the Committee on the Judiciary (H.Rept. 106-633, Part I), September 24, 1999. Passed House, amended, September 30, 1999.

**S. 9 (Daschle)**

Safe Schools, Safe Streets, and Secure Borders Act of 1999. Provides technical assistance to schools by establishing a School Security Technology Center. Provides grants from the Safe and Drug Free Schools Program to enable schools to access technical assistance for school security. Reforms the juvenile justice system. Allows federal prosecution of juveniles only when the Attorney General certifies that the state cannot or will not exercise jurisdiction, or when the juvenile is alleged to have committed a violent, drug, or firearm offense. Provides grants to states for incarcerating violent and chronic juvenile offenders. Imposes a gun ban for juveniles convicted or adjudicated delinquent for violent crimes. Requires revocation of a firearms dealer's license for failing to have secure gun storage or safety devices available for sale with firearms. Makes the interstate "franchising" of street gangs a crime. Provides funding for law enforcement agencies in communities designated by the Attorney General as areas with a high level of interstate gang activity. Extends COPS funding into 2001 and 2002. Establishes a state minimum of .75% for Truth-in-Sentencing grants and extends this program and the Violent Offender Incarceration prison grant program into 2001 and 2002. Extends the authorization for the Violence Against Women Act funding and the local law enforcement grant programs. Provides a limited protective function privilege for Secret Service agents. Enhances penalties for assaults and threats against federal judges and other federal officials engaged in their official duties. Doubles the maximum penalty for manslaughter. Includes the "Hate Crime Prevention Act" introduced in the 106<sup>th</sup> Congress by Senator Kennedy. Outlines a number of prevention programs and reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974 along the lines of H.R. 1818, passed by the House in the 105<sup>th</sup> Congress. Retains the four core protections for youth in the juvenile justice system, while adopting greater flexibility for rural areas. Contains subtitles to combat illegal drug use. Increases the rights of victims within the criminal justice system. Contains provisions for combating money laundering and for combating international crime. Contains provisions to strengthen the air, land, and sea borders of the country. Introduced on January 19; referred to Committee on Judiciary.

**S. 254 (Hatch)**

Violent and Repeat Offender Accountability and Rehabilitation Act of 1999. Sets a uniform age of 14 years for the permissive transfer of juvenile offenders to adult courts, permits prosecutors and the Attorney General to decide whether to charge a juvenile as an adult, and permits, in certain circumstances, juveniles tried as adults to be returned to juvenile status. Provides that juveniles tried as adults and sentenced to prison must serve their entire sentence and may not be released on the basis of attaining their majority, and applies to juveniles convicted as adults the same provisions of victim restitution, including mandatory restitution, that apply to adults. Requires that federal criminal records of juveniles tried as adults and federal delinquency records of juveniles adjudicated delinquent for certain serious offenses will be treated for all purposes in the same manner as adults for the same offense. Permits juvenile federal felony records and delinquency records to be provided to schools and colleges under rules issued by the Attorney General. Reforms and reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. Requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to present to Congress annual plans, with measurable goals, to control and prevent juvenile crime, coordinate all federal programs relating to controlling youth crime, and disseminate to states and local governments data on the prevention, correction, and control of juvenile crime and delinquency and report on successful programs and methods. Designates OJJDP as a single point of contact for states, localities, and private entities to apply for and coordinate all federal assistance and programs related to juvenile crime control and delinquency prevention. Consolidates numerous OJJDP programs, including Part C Special Emphasis grants, state challenge grants, boot camps, and Title V incentive grants, under a \$200 million per year prevention block grant to the states. Reauthorizes Title II Part B state formula grants, and reforms the current core mandates on the states relating to the incarceration of juveniles to ensure the protection of juveniles in custody while providing the states and local governments with flexibility. Strictly prohibits placing juvenile offenders in jail cells with adults. Amends the disproportionate confinement of minorities mandate by replacing the word minorities with the phrase “segments of the juvenile population.” Creates a new Juvenile Accountability Block Grant program. State receipt of block grants would be conditioned on the adoption of three core accountability policies: the establishment of graduated sanctions to ensure appropriate correction of juvenile offenders, drug testing juvenile offenders upon arrest in appropriate cases; and recognition of victims’ rights and needs in the juvenile justice system. Provides the first federal incentives for the integration of serious juvenile criminal records into the national criminal history database, together with federal funding for the system. Authorizes \$1 billion per year for 5 years, in the following categories: \$450 million per year for Juvenile Accountability Block Grants; \$435 million per year for prevention programs under the JJDP, including \$200 million for Juvenile Delinquency Prevention Block Grants; \$200 million for Part B formula grant programs, and \$35 million for Gangs, Mentoring, and Discretionary grant programs; \$75 million a year for grants to states to upgrade and enhance juvenile felony criminal records histories and to make such records available within NCIC; and \$40 million per year for National Institute of Justice research and evaluation of the effectiveness of juvenile delinquency prevention programs. Authorizes an additional \$100 million per year for joint federal-state-local law enforcement task forces to address gang crime in areas of high concentrations of gang activity. Extends the ban in current law on firearm ownership by certain felons to certain juvenile offenders. Introduced January 20, 1999; read the first time. Passed Senate, amended, May 20, 1999. Senate struck language of H.R. 1501, replaced it with the language of S. 254, and insisted on a conference, July 28, 1999. See H.R. 1501.

**S. 622 (Kennedy)**

Hate Crimes Prevention Act of 1999. Expands existing civil rights laws involving acts of violence upon victims because of their race, color, religion, or national origin. Broadens federal jurisdiction under civil rights legislation by adding gender, disability, and sexual orientation to the categories protected by these laws. Introduced March 16, 1999; referred to Committee on the Judiciary. Identical provision in Title III of S. 9. On July 22, 1999, the Senate passed, amended, the Commerce, Justice, State Appropriations Act for FY2000 (S. 1217/Gregg), containing an amendment (No. 1324/Kennedy) similar to S. 622. The amendment was dropped from the final version of the Consolidated Appropriations Act for FY2000 (P.L. 106-113, H.Rept. 106-479).

**S. 692 (Kyl)**

Internet Gambling Prohibition Act. Amends the Federal criminal code to penalize gambling on the Internet or any other interactive computer service to place, receive, or make a bet or wager. Introduced March 23, 1999; referred to Committee on the Judiciary. Reported on June 17 and a report (S.Rept. 106-121) filed on July 26. Passed Senate, amended, November 19, 1999. Referred to the House Committee on the Judiciary, January 27, 2000.

**S. 1750 (DeWine)**

Child Abuse Prevention and Enforcement Act. To reduce the incidence of child abuse and neglect. Introduced October 19, 1999; referred to the Committee on the Judiciary. Reported, amended (without written report), October 28.

## CONGRESSIONAL HEARINGS, REPORTS, AND DOCUMENTS

U.S. Congress. Committee of Conference. *Violent Crime Control and Law Enforcement Act of 1994*; report to accompany H.R. 3355. Washington, U.S. Govt. Print. Off., 1994. 441 p. (103th Congress, 2d session. H.Rept 103-694.)

— *Anti Terrorism and Effective Death Penalty Act*; report to accompany S. 735. Washington, U.S. Govt. Print. Off., 1995. 128 p. (104<sup>th</sup> Congress, 2d session. H.Rept. 104-518.)

— *Violent Crime Control and Law Enforcement Act of 1991*; report to accompany H.R. 3371. Washington, U.S. Govt. Print. Off., 1991. 211 p. (102nd Congress, 1st session. H.Rept. 102-405.)

U.S. Congress. Senate. Committee on the Judiciary. *Comprehensive Crime Control Act of 1983*; report on S. 1762. Washington, U.S. Govt. Print. Off., 1983. 797 p. (98th Congress, 1st session. S.Rept. 98-225.)